



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5633 OF 2024
Jetwan (B.C.) Co-operative Society Ltd.
Vs.
Shankar S/o. Gunderao Tabhane

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. R. Fule, Advocate for petitioner.
Shri Sanket Bhalerao, Advocate for respondent.

CORAM :- M. W. CHANDWANI, J.

DATED :- 11.03.2026

Heard.

2. The petition challenges the order dated 12.08.2024 passed below Exh.72 by the Judge, Co-operative Court, Nagpur (for short, "the Trial Court") allowing the amendment application filed by the respondent in Dispute No.274/2007.

3. The petitioner is a Society and the respondent who is claiming to be a Member of the said Society filed a suit for execution of sale-deed for allotment of Plot No. 69 in Khasra No. 58/1, Mouza-Khamla, Nagpur, which according to the respondent has been allotted to him by the Society. It is the case of the respondent that during the pendency of the suit, he came to know that the Society has allotted him Plot No. 49 of Khasra No. 58/1 in wake of letter dated 17.07.2023 sent

by the Society to the Nagpur Improvement Trust (for short, "NIT"). Therefore, he approached the Society and got confirmation of the same from the record of the Society and therefore, he moved an application (Exh.72) for allowing him to change Plot No. 69 to Plot No. 49 in the prayer clause no. 1 of the Dispute Application, which came to be allowed by the impugned order.

4. Learned counsel for the Society submits that evidence has already been adduced by the respondent, therefore the amendment ought not to have been allowed by the Trial Court.

5. Since the respondent has come up with a case of subsequently knowing about the letter which was issued by the Society to the NIT on 17.07.2023 hence, the amendment application came to be filed in the month of December-2023.

6. Thus, it appears that the Trial Court has rightly considered the fact that the material which was sought to be brought on record by way of the amendment came to the knowledge of the respondent subsequently during pendency of the suit i.e. after issuance of letter to the NIT by the Society. Hence, no perversity is seen in the impugned order passed by the Trial Court, since the amendment is generally to be allowed liberally by taking care of the provisions of Order 6, Rule 17 of the Code of Civil Procedure, 1908 which is seen to be done by the Trial Court in the present case.

7. Thus, no perversity is found in the impugned order, hence the petition is dismissed.

(M. W. CHANDWANI, J.)